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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,635	05/04/2001	Sami Shemtov	551-P-002	1568
7277	7590	12/01/2005	EXAMINER	
HOWARD C. MISKIN C/O STOLL, MISKIN, & BADIE THE EMPIRE STATE BUILDING 350 FIFTH AVENUE SUITE 4710 NEW YORK, NY 10118			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,635

Applicant(s)

SHEMTOV, SAMI

Examiner

Aaron M. Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16, 18-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16, 18-35 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-4, 9-12, 18-20, 25-28, 33 and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4107452, Razvi.

In regards to claim 38, Razvi discloses a combination device comprising:

a coupling member (11) adapted to receive one of a conduit;

the coupling member comprising a tubular member having opposed axially aligned ends, each of the ends adapted to receive one end of the conduit, and the tubular member having a top surface and an aperture through the top surface; and

a supporting member (50, 53), the supporting member comprising a stem having a free end portion adapted to engage the conduit through the aperture,

wherein the supporting member is positioned above the aperture on the top surface of the tubular member.

In regards to claim 39, Razvi discloses a combination device comprising:

a coupling member (11) adapted to receive conduits;

the coupling member comprising an integral tubular member having generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of the ends adapted to receive one end of the pair of conduits, and the tubular member having an aperture through the cylindrical wall into the interior space; and

a supporting member (50, 53), the supporting member comprising a stem having a free end portion engaging the aperture to support the tubular member and is positioned in the interior space of the tubular member sufficient to engage the ends of the conduits received the opposite ends of the tubular member (via 50).

In regards to claims 2 and 18, Razvi discloses the top surface being raised (axially) relative to the exterior surface of the tubular member.

In regards to claims 3, 4, 19 and 20, Razvi discloses the aperture being threaded internally and the stem, of the supporting member is externally matingly threaded at least at its free end for engaging into the internally threaded aperture.

In regards to claims 9-12 and 25-28, Razvi discloses a stop member (50) projecting internally at about the middle of the tubular member.

In regards to claim 33, Razvi discloses the free end of the stem of the supporting member being positioned within the confine of the tubular member in contact with the pair of conduits (via 50).

In regards to claim 37, Razvi discloses the aperture being generally perpendicular to the longitudinal axis of the tubular member.

In regards to claim 40, Razvi discloses the tubular member further having a wall surrounding an interior space, wherein the aperture is adapted to receive the free end portion of the stem of the supporting member within the interior space.

Claims 3, 4, 19, 20, 33-35 and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3892136, Eidelberg.

In regards to claim 38, Eidelberg discloses a combination device comprising:

a coupling member (12, 21) adapted to receive one of a conduit;

the coupling member comprising a tubular member having opposed axially aligned ends, each of the ends adapted to receive one end of the conduit, and the tubular member having a top surface and an aperture through the top surface; and

a supporting member (20, 36), the supporting member comprising a stem having a free end portion adapted to engage the conduit through the aperture,

wherein the supporting member is positioned above the aperture on the top surface of the tubular member.

In regards to claim 39, Eidelberg discloses a combination device comprising:

a coupling member adapted to receive conduits;

the coupling member comprising an integral tubular member having generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of

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the ends adapted to receive one end of the pair of conduits, and the tubular member having an aperture through the cylindrical wall into the interior space; and

a supporting member, the supporting member comprising a stem having a free end portion engaging the aperture to support the tubular member and is positioned in the interior space of the tubular member sufficient to engage the ends of the conduits received the opposite ends of the tubular member.

In regards to claims 3, 4, 19 and 20, Eidelberg discloses the aperture being threaded internally and the stem, of the supporting member is externally matingly threaded at least at its free end for engaging into the internally threaded aperture.

In regards to claim 33, Eidelberg discloses the free end of the stem of the supporting member being positioned within the confine of the tubular member in contact with the pair of conduits.

In regards to claim 34, Eidelberg discloses each of the ends of the tubular member (24) being externally threaded for receiving the conduit.

In regards to claim 35, Eidelberg discloses each of the ends of the tubular member further having an opening through the tubular member, the opening is internally threaded to receive a set screw for securely positioning the conduit.

In regards to claim 37, Eidelberg discloses the aperture being generally perpendicular to the longitudinal axis of the tubular member.

In regards to claim 40, Eidelberg discloses the tubular member further having a wall surrounding an interior space, wherein the aperture is adapted to receive the free end portion of the stem of the supporting member within the interior space.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 13-16, 21-24 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Razvi in view of US patent 4793578, Howard.

In regards to claims 5-8 and 21-24, Razvi discloses the claimed invention except for a lock nut along the stem. Howard teaches a lock nut (25) along a stem (30) to lock other components into a desired position (col. 3, lines 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lock nut along a stem to lock other components into a desired position, as taught by Howard.

In regards to claims 13-16 and 29-32, Razvi discloses a stop member (50) projecting internally at about the middle of the tubular member.

Claims 5-8 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidelberg in view of US patent 4793578, Howard.

In regards to claims 5-8 and 21-24, Eidelberg discloses the claimed invention except for a lock nut along the stem. Howard teaches a lock nut (25) along a stem (30) to lock other components into a desired position (col. 3, lines 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

provide a lock nut along a stem to lock other components into a desired position, as taught by Howard.

Response to Arguments

Applicant's arguments filed 9/9/2005 have been fully considered but they are not persuasive. The Applicant argues that Razvi does not provide a supporting member comprising a stem having a free end portion adapted to the conduit. The Examiner disagrees. In Figure 5, Razvi clearly provides a supporting member (50, 53) comprising a stem having a free end portion adapted to the conduit. Therefore, Razvi meets the claim limitation.

In response to Applicant's argument that Eidelberg's support member does not perform the same function as the support member of the instant application, it has been held that the mere fact that the reference relied on by the Patent and Trademark Office fail to evince an appreciation of the problem identified and solved by applicant is not, standing alone, conclusive evidence of the nonobviousness of the claimed subject matter. The references may suggest doing what an applicant has done even though workers in the art were ignorant of the existence of the problem. In re Gershon, 152, USPQ 602 (CCPA 1967).

The Applicant argues that Eidelberg does not provide a supporting member comprising a stem having a free end portion adapted to the conduit. The Examiner disagrees. Eidelberg clearly provides a supporting member comprising a stem having a free end portion adapted to the conduit with the following recitation:

In use, screws 18, 19 and 20 are threaded to their outward position so as not to extend into the bore of sleeve 12. Sleeve 12 is then slidably slipped on one of the conduits, such as conduit 14 and the second conduit 16 is positioned so its facing end is closely spaced with respect to the end of the conduit 14. As is evident from FIG. 1, the conduit being coupled can just fit the available space with no rotation of the conduit necessary. The conduits are shown immovable, passing through walls 21. The present coupling allows easy assembly. Coupling 10 is then slipped back on conduit 14, so as to overlap the ends of conduits 14 and 16. Centering screw 20 is then threaded so as to extend into the bore of sleeve 12, and the lead or facing ends of conduit 14 and 16 engage the body of screw 20, as illustrated in FIG. 2. Coupling 10 is secured to conduits 14 and 16 by tightening set screws 18 and 19. Additional screws 18 and 19 may be radially positioned about the circumference of sleeve 12, so as to provide a uniform clamping action on the conduits and to withstand the necessary pull out requirements.

Therefore, Eidelberg meets the claim limitation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
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